

Bill No. SB 2128

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Proposed Committee Substitute by the Committee on
Transportation

1 A bill to be entitled

2 An act relating to vessels; amending s.

3 206.606, F.S.; revising provisions governing

4 the use of moneys in the State Game Trust Fund

5 in the Fish and Wildlife Conservation

6 Commission; revising criteria governing

7 rulemaking by the commission regarding a

8 Florida Boating Improvement Program and

9 criteria for funding eligible projects;

10 amending s. 327.59, F.S.; authorizing marina

11 owners, operators, employees, and agents to

12 take actions to secure vessels during severe

13 weather and to charge fees and be held harmless

14 for such service; authorizing contract

15 provisions and notice relating to removing or

16 minimizing damage to vessels and protection of

17 marina property and the environment; amending

18 s. 327.60, F.S.; providing for regulation by

19 local governments of the mooring or anchoring

20 of floating structures or live-aboard vessels;

21 amending s. 328.64, F.S.; requiring vessel

22 owners to notify the Department of Highway

23 Safety and Motor Vehicles on a form prescribed

24 by the department concerning ownership,

25 destruction, or abandonment of a vessel;

26 requiring the department to attach the form to

27 each vessel title it issues or renews;

28 requiring the department to adopt rules that

29 require correction of the address of the holder

30 of a certificate of registration; amending s.

31 328.72, F.S.; revising provisions governing

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1 distribution of certain fees concerning vessel
2 registration; disallowing the use of the
3 proceeds of such fees for manatee and marine
4 mammal protection and recovery; requiring
5 counties to provide an annual report to the
6 Fish and Wildlife Conservation Commission
7 concerning use of such fees; removing a
8 provision authorizing the commission to grant
9 an exception to reporting requirements;
10 providing for redistribution of fees to the
11 Marine Resources Conservation Trust Fund rather
12 than the county if the report is not provided;
13 providing for use of funds so redistributed;
14 amending s. 376.11, F.S.; revising provisions
15 relating to the Florida Coastal Protection
16 Trust Fund to conform to changes made by the
17 act; amending s. 376.15, F.S.; prohibiting the
18 storage, abandonment, or leaving of a derelict
19 vessel in the state; specifying officers
20 authorized to remove certain derelict vessels
21 from public waters; providing that certain
22 costs are recoverable; requiring the Department
23 of Legal Affairs to represent the Fish and
24 Wildlife Conservation Commission in certain
25 actions; expanding eligibility for disbursement
26 of grant funds for the removal of derelict
27 vessels; amending s. 403.813, F.S.; providing
28 exemptions from permitting by the Department of
29 Environmental Protection for certain floating
30 vessel platforms; directing the department to
31 adopt a general permit for certain platforms;

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1 revising provisions that prohibit more
2 stringent regulation by a local government;
3 amending s. 705.101, F.S.; defining certain
4 vessels as abandoned property; amending s.
5 705.103, F.S.; applying provisions denying a
6 certificate of registration to the owner of an
7 abandoned or lost vessel; amending s. 823.11,
8 F.S.; defining the term "derelict vessel";
9 revising provisions relating to derelict
10 vessels and the removal of such vessels;
11 specifying which officers may remove such
12 vessels; providing that vessel removal may be
13 funded by certain grants; requiring the
14 Department of Legal Affairs to represent the
15 Fish and Wildlife Conservation Commission in
16 certain actions to collect removal costs from
17 the owner of a removed vessel; applying
18 provisions denying a certificate of
19 registration to such an owner; deleting a
20 provision authorizing the commission to
21 delegate certain authority to local governments
22 under certain circumstances; authorizing
23 certain private property owners to remove a
24 derelict vessel at the expense of the vessel
25 owner; providing for notice to the vessel owner
26 prior to removal; providing for jurisdiction of
27 a criminal court to order civil penalties for
28 certain violations; providing an effective
29 date.

30
31 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (b) of subsection (1) of section 206.606, Florida Statutes, is amended to read:

206.606 Distribution of certain proceeds.--

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 206.41, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:

(b) \$2.5 million shall be transferred to the State Game Trust Fund in the Fish and Wildlife Conservation Commission in each fiscal year and used for recreational boating activities, and freshwater fisheries management and research. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. The commission shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, sufficient financial resources are unavailable.

1. A minimum of \$1.25 million shall be used to fund local projects to provide recreational channel marking and other uniform waterway markers; public boat ramps, boat lifts and hoists, marine railways, and other public boat launching facilities; derelict vessel removal; ~~aquatic plant control,~~ and other local boating related activities. In funding the projects, the commission shall give priority consideration as follows:

a. Unmet needs in counties with populations of 100,000

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1 or less.

2 b. Unmet needs in coastal counties with a high level
3 of boating related activities from individuals residing in
4 other counties.

5 2. The remaining \$1.25 million may be used for
6 recreational boating activities and freshwater fisheries
7 management and research.

8 3. The commission is authorized to adopt rules
9 pursuant to ss. 120.536(1) and 120.54 to implement a Florida
10 Boating Improvement Program ~~similar to the program~~
11 ~~administered by the Department of Environmental Protection and~~
12 ~~established in rules 62D-5.031 - 62D-5.036, Florida~~
13 ~~Administrative Code, to determine projects eligible for~~
14 ~~funding under this subsection.~~

15
16 On February 1 of each year, the commission shall file an
17 annual report with the President of the Senate and the Speaker
18 of the House of Representatives outlining the status of its
19 Florida Boating Improvement Program, including the projects
20 funded, and a list of counties whose needs are unmet due to
21 insufficient financial resources from vessel registration
22 fees.

23 Section 2. Section 327.59, Florida Statutes, is
24 amended to read:

25 327.59 Marina evacuations.--

26 (1) After June 1, 1994, marinas may not adopt,
27 maintain, or enforce policies pertaining to evacuation of
28 vessels which require vessels to be removed from marinas
29 following the issuance of a hurricane watch or warning, in
30 order to ensure that protecting the lives and safety of vessel
31 owners is placed before interests of protecting property.

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1 (2) Nothing in this section may be construed to
2 restrict the ability of an owner of a vessel or the owner's
3 authorized representative to remove a vessel voluntarily from
4 a marina at any time or to restrict a marina owner from
5 dictating the kind of cleats, ropes, fenders, and other
6 measures that must be used on vessels as a condition of use of
7 a marina. After a tropical storm or hurricane watch has been
8 issued, a marina owner or operator, or an employee or agent of
9 such owner or operator, may take actions to further secure any
10 vessel within the marina to minimize damage to a vessel, the
11 marina property, and the environment. Such a marina owner,
12 operator, employee, or agent may charge reasonable fees for
13 further securing of a vessel, may not be held liable for any
14 damage incurred to a vessel from such storms or hurricanes,
15 and shall be held harmless as a result of such actions. This
16 section does not provide immunity to a marina operator,
17 employee, or agent for any intentional or negligent act that
18 causes damage to the vessel during the removal or storage
19 permitted under this section.

20 (3) Notwithstanding any other provision of this
21 section, in order to minimize damage to a vessel and protect
22 marina property and the environment, a marina owner by
23 contract may provide that if a boat owner fails to promptly
24 remove a vessel from a marina after issuance of a tropical
25 storm or hurricane watch, the marina owner, operator, or an
26 employee or agent of the owner or operator may remove the
27 vessel from its slip or take whatever actions are deemed
28 necessary in order to minimize damage to a vessel and to
29 protect marina property and the environment. A marina owner,
30 operator, employee, or agent may charge the vessel owner a
31 reasonable fee for any such services rendered. In order to add

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1 such a provision to a contract, the marina owner must include
2 in any such contract, in a font of at least 10-point type, a
3 notice to the vessel owner which is in substantially the
4 following form:

6 NOTICE TO BOAT OWNER

8 The undersigned hereby informs you that in the
9 event you fail to remove your vessel from the
10 marina promptly (time line to be determined)
11 after the issuance of a tropical storm or
12 hurricane watch for _____, Florida, under
13 Florida law the undersigned or his or her
14 employees or agents are authorized to remove
15 your vessel from its slip or take any and all
16 other actions deemed appropriate by the
17 undersigned or his or her employees or agents
18 in order to secure your vessel and protect
19 marina property. You are further notified that
20 you may be charged a reasonable fee for any
21 such action.

23 Section 3. Subsection (2) of section 327.60,
24 Florida Statutes, is amended to read:

25 327.60 Local regulations; limitations.--

26 (2) ~~Nothing contained in the provisions of This~~
27 ~~section does not shall be construed to~~ prohibit local
28 governmental authorities from the enactment or enforcement of
29 regulations that ~~which~~ prohibit or restrict the mooring or
30 anchoring of floating structures or live-aboard vessels within
31 their jurisdictions or of any vessels permitted under s.

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1 327.40 within the marked boundaries of mooring fields.

2 However, local governmental authorities may not regulate the
3 anchoring outside such mooring fields ~~are prohibited from~~
4 ~~regulating the anchorage~~ of non-live-aboard vessels ~~engaged in~~
5 ~~the exercise of rights of navigation.~~

6 Section 4. Section 328.64, Florida Statutes, is
7 amended to read:

8 328.64 Change of interest and address.--

9 (1) The owner shall furnish the Department of Highway
10 Safety and Motor Vehicles notice of the transfer of all or any
11 part of his or her interest in a vessel registered or titled
12 in this state pursuant to this chapter or chapter 328 or of
13 the destruction or abandonment of such vessel, within 30 days
14 thereof, on a form prescribed by the department. Such
15 transfer, destruction, or abandonment shall terminate the
16 certificate for such vessel, except that in the case of a
17 transfer of a part interest which does not affect the owner's
18 right to operate such vessel, such transfer shall not
19 terminate the certificate. Effective July 1, 2006, the
20 Department of Highway Safety and Motor Vehicles shall attach
21 the notice of transfer form it prescribes pursuant to this
22 subsection to each vessel title issued or renewed by the
23 department.

24 (2) Any holder of a certificate of registration shall
25 notify the Department of Highway Safety and Motor Vehicles or
26 the county tax collector within 30 days, if his or her address
27 no longer conforms to the address appearing on the certificate
28 and shall, as a part of such notification, furnish the
29 department or such county tax collector with the new address.
30 The department ~~shall~~ may provide in its rules ~~and regulations~~
31 for the surrender of the certificate bearing the former

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1 address and its replacement with a certificate bearing the new
2 address or for the alteration of an outstanding certificate to
3 show the new address of the holder.

4 Section 5. Subsection (15) of section 382.72, Florida
5 Statutes, is amended to read:

6 328.72 Classification; registration; fees and charges;
7 surcharge; disposition of fees; fines; marine turtle
8 stickers.--

9 (15) DISTRIBUTION OF FEES.--Except for the first \$2,
10 \$1 of which shall be remitted to the state for deposit into
11 the Save the Manatee Trust Fund created within the Fish and
12 Wildlife Conservation Commission and \$1 of which shall be
13 remitted to the state for deposit into the Marine Resources
14 Conservation Trust Fund to fund a grant program for public
15 launching facilities, pursuant to s. 327.47, giving priority
16 consideration to counties with more than 35,000 registered
17 vessels, moneys designated for the use of the counties, as
18 specified in subsection (1), shall be distributed by the tax
19 collector to the board of county commissioners for use only as
20 provided in this section. Such moneys to be returned to the
21 counties are for the sole purposes of providing recreational
22 channel marking; ~~and public boat ramps, boat lifts and hoists,~~
23 ~~marine railways, and other public boat launching facilities;~~
24 ~~derelect vessel removal; and other boating-related activities,~~
25 for removal of vessels and floating structures deemed a hazard
26 to public safety and health under ~~for failure to comply with~~
27 ~~s. 327.53, and for manatee and marine mammal protection and~~
28 ~~recovery~~. Counties shall ~~that~~ demonstrate through an annual
29 detailed accounting report of vessel registration revenues
30 that ~~at least \$1 of~~ the registration fees were spent as
31 provided in this subsection ~~on boating infrastructure shall~~

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1 ~~only be required to transfer the first \$1 of the fees to the~~
 2 ~~Save the Manatee Trust Fund.~~ This report shall be provided to
 3 the Fish and Wildlife Conservation Commission no later than
 4 November 1 of each year. If by January 1 of any year, a county
 5 has not provided the commission with a detailed annual
 6 accounting report for the prior year which meets the criteria
 7 in this subsection, the tax collector of that county may not
 8 distribute the moneys designated for the use of the counties,
 9 as specified in subsection (1), to the board of county
 10 commissioners but shall, for the next calendar year, remit
 11 such moneys to the state for deposit into the Marine Resources
 12 Conservation Trust Fund. The Fish and Wildlife Conservation
 13 Commission shall return any moneys so remitted to the county
 14 if the county fully complies with this section during that
 15 calendar year. Absent such compliance, any such remitted
 16 moneys shall remain in the trust fund and may be used to fund
 17 a grant program for public launching facilities pursuant to s.
 18 327.47. The commission shall provide an exemption letter to
 19 the department by December 15 of each year for qualifying
 20 counties.

21 Section 6. Paragraph (g) of subsection (4) of section
 22 376.11, Florida Statutes, is amended to read:

23 376.11 Florida Coastal Protection Trust Fund.--

24 (4) Moneys in the Florida Coastal Protection Trust
 25 Fund shall be disbursed for the following purposes and no
 26 others:

27 (g) The funding of a grant program to ~~coastal~~ local
 28 governments, pursuant to s. 376.15(2)(b) and (c), for the
 29 removal of derelict vessels from the public waters of the
 30 state.

31 Section 7. Section 376.15, Florida Statutes, is

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1 amended to read:

2 376.15 Derelict vessels; removal from public waters.--

3 (1) It is unlawful for any person, firm, or
 4 corporation to store, ~~or leave, or abandon~~ any derelict
 5 vessel, as defined in s. 823.11(1), within this state in a
 6 wrecked, junked, or substantially dismantled condition or
 7 abandoned upon any public waters or at any port in this state
 8 without the consent of the agency having jurisdiction thereof
 9 or docked at any private property without the consent of the
 10 owner of the private property.

11 (2)(a) The Fish and Wildlife Conservation Commission
 12 and its officers and all law enforcement officers as specified
 13 in s. 327.70 are ~~is hereby designated as the agency of the~~
 14 ~~state~~ authorized and empowered to remove any derelict vessel
 15 as defined in s. 823.11(1) ~~described in subsection (1)~~ from
 16 public waters. All costs incurred by the commission or other
 17 law enforcement agency in the removal of any abandoned or
 18 derelict vessel shall be recoverable against the owner of the
 19 vessel. The Department of Legal Affairs shall represent the
 20 commission in such actions.

21 (b) The commission may establish a program to provide
 22 grants to ~~coastal~~ local governments for the removal of
 23 derelict vessels from the public waters of the state. The
 24 program shall be funded from the Florida Coastal Protection
 25 Trust Fund. Notwithstanding the provisions in s. 216.181(11),
 26 funds available for grants may only be authorized by
 27 appropriations acts of the Legislature.

28 (c) The commission shall adopt by rule procedures for
 29 submitting a grant application and criteria for allocating
 30 available funds. Such criteria shall include, but not be
 31 limited to, the following:

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1 1. The number of derelict vessels within the
2 jurisdiction of the applicant.

3 2. The threat posed by such vessels to public health
4 or safety, the environment, navigation, or the aesthetic
5 condition of the general vicinity.

6 3. The degree of commitment of the local government to
7 maintain waters free of abandoned and derelict vessels and to
8 seek legal action against those who abandon vessels in the
9 waters of the state.

10 (d) This section shall constitute the authority ~~of the~~
11 ~~commission~~ for such removal, but is not intended to be in
12 contravention of any applicable federal act.

13 ~~(e) The Department of Legal Affairs shall represent~~
14 ~~the Fish and Wildlife Conservation Commission in such actions.~~

15 Section 8. Paragraph (s) of subsection (2) of section
16 403.813, Florida Statutes, is amended to read:

17 403.813 Permits issued at district centers;
18 exceptions.--

19 (2) A permit is not required under this chapter,
20 chapter 373, chapter 61-691, Laws of Florida, or chapter 25214
21 or chapter 25270, 1949, Laws of Florida, for activities
22 associated with the following types of projects; however,
23 except as otherwise provided in this subsection, nothing in
24 this subsection relieves an applicant from any requirement to
25 obtain permission to use or occupy lands owned by the Board of
26 Trustees of the Internal Improvement Trust Fund or any water
27 management district in its governmental or proprietary
28 capacity or from complying with applicable local pollution
29 control programs authorized under this chapter or other
30 requirements of county and municipal governments:

31 (s) The construction, installation, operation, or

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1 maintenance of floating vessel platforms or floating boat
2 lifts, provided that such structures:

3 1. Float at all times in the water for the sole
4 purpose of supporting a vessel so that the vessel is out of
5 the water when not in use;

6 2. Are wholly contained within a boat slip previously
7 permitted under ss. 403.91-403.929, 1984 Supplement to the
8 Florida Statutes 1983, as amended, or part IV of chapter 373;
9 ~~or are, when~~ associated with a dock that is exempt under this
10 subsection or associated with a permitted dock with no defined
11 boat slip; or are attached to a bulkhead on a parcel of land
12 where there is no other docking structure and, do not exceed a
13 combined total of 500 square feet, or 200 square feet in an
14 Outstanding Florida Water;

15 3. Are not used for any commercial purpose or for
16 mooring vessels that remain in the water when not in use, and
17 do not substantially impede the flow of water, create a
18 navigational hazard, or unreasonably infringe upon the
19 riparian rights of adjacent property owners, as defined in s.
20 253.141;

21 4. Are constructed and used so as to minimize adverse
22 impacts to submerged lands, wetlands, shellfish areas, aquatic
23 plant and animal species, and other biological communities,
24 including locating such structures in areas where ~~no~~
25 seagrasses are least dense ~~exist if such areas are present~~
26 adjacent to the dock or bulkhead; and

27 5. Are not constructed in areas specifically
28 prohibited for boat mooring under conditions of a permit
29 issued in accordance with ss. 403.91-403.929, 1984 Supplement
30 to the Florida Statutes 1983, as amended, or part IV of
31 chapter 373, or other form of authorization issued by a local

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government.

Structures that qualify for this exemption are relieved from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund and shall not be subject to any permitting requirement, registration requirement, or other more stringent regulation by any local government. The exemption provided in this paragraph is ~~shall be~~ in addition to the exemption provided in paragraph (b). ~~By January 1, 2003,~~ The department shall adopt a general permit by rule for the construction, installation, operation, or maintenance of those floating vessel platforms or floating boat lifts that do not qualify for the exemption provided in this paragraph but do not cause significant adverse impacts to occur individually or cumulatively. The issuance of such general permit ~~shall~~ also constitutes ~~constitute~~ permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund. Structures that qualify for ~~Upon the adoption of the rule creating~~ such general permit are not subject to any permitting requirement, registration requirement, or other more stringent regulation by any, ~~no~~ local government ~~shall impose a more stringent regulation on floating vessel platforms or floating boat lifts covered by such general permit.~~

Section 9. Subsection (3) of section 705.101, Florida Statutes, is amended to read:

705.101 Definitions.--As used in this chapter:

(3) "Abandoned property" means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or

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1 partially dismantled condition or has no apparent intrinsic
2 value to the rightful owner. The term includes derelict
3 vessels as defined in s. 823.11(1) ~~determined to be derelict~~
4 ~~by the Fish and Wildlife Conservation Commission or a county~~
5 ~~or municipality in accordance with the provisions of s. 823.11~~
6 ~~are included within this definition.~~

7 Section 10. Subsection (4) of section 705.103, Florida
8 Statutes, is amended to read:

9 705.103 Procedure for abandoned or lost property.--

10 (4) The owner of any abandoned or lost property who,
11 after notice as provided in this section, does not remove such
12 property within the specified period shall be liable to the
13 law enforcement agency for all costs of removal, storage, and
14 destruction of such property, less any salvage value obtained
15 by disposal of the property. Upon final disposition of the
16 property, the law enforcement officer shall notify the owner,
17 if known, of the amount owed. In the case of an abandoned
18 vessel ~~boat~~ or motor vehicle, any person who neglects or
19 refuses to pay such amount is not entitled to be issued a
20 certificate of registration for such vessel ~~boat~~ or motor
21 vehicle, or any other vessel ~~boat~~ or motor vehicle, until such
22 costs have been paid. The law enforcement officer shall supply
23 the Department of Highway Safety and Motor Vehicles with a
24 list of persons whose vessel ~~boat~~ registration privileges or
25 whose motor vehicle privileges have been revoked under this
26 subsection. Neither the department nor any other person acting
27 as agent thereof shall issue a certificate of registration to
28 a person whose vessel ~~boat~~ or motor vehicle registration
29 privileges have been revoked, as provided by this subsection,
30 until such costs have been paid.

31 Section 11. Section 823.11, Florida Statutes, is

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1 amended to read:

2 823.11 Abandoned and derelict vessels; removal;
3 penalty.--4 (1) As used in this section the term "derelict vessel"
5 means a vessel, as defined in s. 327.02, which is left,
6 stored, or abandoned:7 (a) In a wrecked, junked, or substantially dismantled
8 condition upon any public waters of this state;9 (b) At any port in this state without the consent of
10 the agency having jurisdiction over that port; or11 (c) At a dock or beach on the property of another
12 without the consent of the owner of the property.13 (2)(1) It is unlawful for any person, firm, or
14 corporation to store, or leave, or abandon any derelict vessel
15 within this state as defined by maritime law in a wrecked,
16 junked, or substantially dismantled condition or abandoned
17 upon or in any public water or at any port in this state
18 without the consent of the agency having jurisdiction thereof,
19 or docked at any private property without the consent of the
20 owner of such property.21 (3)(a)(2) The Fish and Wildlife Conservation
22 Commission and its officers and all law enforcement officers
23 as specified in s. 327.70 are is designated as the agency of
24 the state authorized and empowered to remove or cause to be
25 removed any abandoned or derelict vessel from public waters in
26 any instance when the same obstructs or threatens to obstruct
27 navigation or in any way constitutes a danger to the
28 environment. Removal of vessels pursuant to this section may
29 be funded by grants provided under s. 206.606 or s. 376.15.
30 Derelict vessels may be removed from public waters or other
31 public property as provided in s. 705.103. All costs incurred

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1 by the commission or other law enforcement agency in the
2 removal of any abandoned or derelict vessel as set out above
3 shall be recoverable against the owner thereof. The Department
4 of Legal Affairs shall represent the commission in such
5 actions. As provided in s. 705.103(4), any person who neglects
6 or refuses to pay such costs is not entitled to be issued a
7 certificate of registration for the vessel that was removed or
8 for any other vessel or motor vehicle until such costs have
9 been paid. ~~Pursuant to an agreement with the governing body of~~
10 ~~a county or municipality, and upon a finding by the commission~~
11 ~~that the county or municipality is competent to undertake said~~
12 ~~responsibilities, the commission may delegate to the county or~~
13 ~~municipality its authority to remove or cause to be removed an~~
14 ~~abandoned or derelict vessel from public waters within the~~
15 ~~county or municipality.~~

16 (b) When a derelict vessel is docked or grounded at or
17 beached upon the private property of another without the
18 consent of the owner of the property, such owner may, at his
19 or her option, remove the vessel at the expense of the owner
20 of the vessel 60 days after compliance with the notice
21 requirements specified in s. 328.17(5). Any notice given
22 pursuant to this paragraph is presumed delivered when it is
23 deposited with the United States Postal Service, certified,
24 and properly addressed with postage prepaid.

25 ~~(4)(3)~~ Any person, firm, or corporation violating this
26 act commits ~~is guilty of~~ a misdemeanor of the first degree and
27 shall be punished as provided by law. Conviction under this
28 subsection does not bar assessment and collection of the civil
29 penalties provided in s. 376.16 for violation of s. 376.15.
30 The court having jurisdiction over the criminal offense,
31 notwithstanding any jurisdictional limitations on the amount

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1 in controversy, may order the imposition of such civil penalty
2 in addition to any sentence imposed for the criminal offense.

3 Section 12. This act shall take effect upon becoming a
4 law.

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